IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6263 OF 2006

Seth Ramdas Nathubhai Shah ..Petitioners
Dharamadaya Vishwasta Nidhi & anr.

V/s.

Ambika Enterprises & ors. ..Respondents

Mr.Mayur i/b.Mr.Kamdar, Senior Counsel for the petitioners
Mr.Piyush Shah for the respondent No.1

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15TH JUNE, 2007

P.C.

1. Both sides do not dispute that the suit in which issue U/s.9A of the C.P.C.was raised as a preliminary issue has been dismissed by the trial Court. However, Mr.Kamdar, learned counsel appearing for the petitioners submits that now a fresh suit is filed by the first respondent and the petitioner has preferred an application for treating the issue of valuation, jurisdiction and

maintainability of the suit as a preliminary issue. That application is pending. In my view, need less to state that disposal of this Writ Petition would not prevent the parties from raising appropriate contentions in the fresh suit even with regard to the issue of maintainability and jurisdiction and if an adverse order is passed it would always be open for the petitioners to challenge the same in accordance with law.

(S.C.DHARMADHIKARI, J.)